

# Notice of Allowability

Application No.

10/551,312

Examiner

Shaima Q. Aminzay

Applicant(s)

DU ET AL.

Art Unit

2618

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to 23 January 2007.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## ***DETAILED ACTION***

This office action is in response to applicant's amendment/remarks filed January 23, 2007.

### ***Response to Arguments***

1. Response to arguments with respect to rejected claims 1-20 is moot in view of filing the Terminal Disclaimer with respect to U.S. US Application 10/557,967 (Zhang et al.), and the present Application 10/551,312 (Du et al.) on March 27, 2007 meets the requirements.
2. Response to arguments with respect to rejected claims 1-20 is moot as the amendment to independent claims 1, 12, dependent claims 3 and 14 overcomes the Claim Rejections - 35 U.S.C.102(e), and puts the application in condition for allowance, therefore, the Claim Rejections - 35 USC 102(e) with respect to claims 1-20 withdrawn.

*Allowable Subject Matter*

3. Claims 1-20 are allowed.

*Reasons for Allowance*

4. The following is an examiner's statement of reason for allowance:

The prior art specifically Wellig (Wellig et al., U.S. Patent No. 6,580,704) failed to render obviousness and failed to anticipate the following limitations:

“A method performed by a wireless communication system for managing peer-to-peer (P2P) communications, the method comprising the steps of: (a) receiving a request from a mobile terminal for initiating a call to another mobile terminal; (b) determining whether P2P communication can be established between the two mobile terminals; (c) determining an operating mode of the two mobile terminals for P2P communication; and (d) if one of the mobile terminals is in a prompt mode, sending a prompt to the mobile terminal in the prompt mode, along with information about financial incentives for using P2P communication services if the P2P communication can be established; and (e) if the P2P communication can be established and if both mobile terminals are in a default mode for P2P communication, establishing P2P communication between the two mobile terminals” as disclosed in independent claim 1.

“A wireless communication system capable of managing peer-to-peer (P2P) communications, comprising: means for receiving a request from a mobile terminal for initiating a call to another mobile terminal; means for determining whether P2P communication can be established between the two mobile terminals; means for determining an operating mode of the two mobile terminals for P2P communication; and means for establishing P2P communication between the two mobile terminals, the establishing means establishing the P2P communication if the P2P communication can be established and if both mobile terminals are in a default mode for P2P communication, wherein if the P2P communication can be established then information about financial incentives for using P2P communication services is sent to at least one of the mobile terminals” as disclosed in independent claim 12.

For these reasons, independent claims 1, and 12 are allowed. Claims 2-11, and 13-20 are dependents of independent claims 1, and 12 are allowed for the same reasons set forth in independent claims 1, and 12.

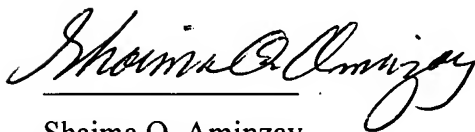
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance”.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

March 27, 2007



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER